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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/578,507	05/08/2006	Ritsuko Ehama	053466-0446	7877

22428 7590 11/29/2010
FOLEY AND LARDNER LLP
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WASHINGTON, DC 20007

EXAMINER

LAU, JONATHAN S

ART UNIT	PAPER NUMBER
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1623

MAIL DATE	DELIVERY MODE
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11/29/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

ADVISORY ACTION

Continuation of 3. The proposed amendments AFTER FINAL, filed 8 Nov 2010, will not be entered because they raise new issues that would require further consideration and/or search. The proposed amendment requires further consideration of the scope of the prior art to determine if the absence of listing creatine provides written description support for the exclusion of creatine, and the requires further search because the proposed amendment changes the scope and breadth of the claim.

Continuation of 11. Applicant's Remarks, filed 8 Nov 2010, have been fully considered and found not to be persuasive.

As detailed above, proposed amendments AFTER FINAL, filed 8 Nov 2010, will not be entered.

Applicant remarks that Gan's teachings are directed to growing hair within one phase of a normal cycle. Applicant notes that the examples of Gan disclose a treatment of at most 10 days. However, the broader disclosure of Gan discloses the composition applied chronically, over the lifetime of the user, preferably for a period of at least about one month (page 7, paragraph 1). In the examples of Gan the hair grows longer. As previously provided in the Britannica Online Encyclopedia, the structure of hair is to necessarily grow thicker to some degree as it grows longer. Applicant provides no evidence that the hair grown in the example of Gan with a treatment of at most 10 days would then lose thickness when applied chronically, over the lifetime of the user,

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preferably for a period of at least about one month. Therefore Applicant's remarks are not persuasive regarding what is inherently disclosed by Gan.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan S. Lau whose telephone number is 571-270-3531. The examiner can normally be reached on Monday - Thursday, 9 am - 4 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shaojia Anna Jiang can be reached on 571-272-0627. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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